

**DECISION RECORD #2
FOR
UPPER SPENCER CREEK EA NO. OR-014-03-03
PROJECT: UPPER SPENCER CREEK WATERSHED RESTORATION
TREATMENTS**

INTRODUCTION

This Decision Record is the second to authorize work on actions proposed and analyzed in the Upper Spencer Creek EA No. OR-014-03-03. This Decision Record addresses only the Upper Spencer Creek Watershed Restoration Treatments as presented in the EA. I will be making further decisions on the remaining components of the proposed action summarized in Table 2 of the EA including; additional commercial timber harvest, non-commercial treatments, Riparian Reserve treatments, DDR treatments, prescribe fire, large woody debris placement in streams, revegetating Riparian Reserves, and aspen stand enhancement.

DECISION

The Klamath Falls Resource Area (KFRA) interdisciplinary team prepared the Upper Spencer Creek EA based on: (a) current resource conditions in the project area and (b) to meet the objectives and direction of the Klamath Falls Resource Area Resource Management Plan (RMP) and the Northwest Forest Plan.

Based on site-specific analysis, the supporting project record, management recommendations contained in the Spencer Creek Watershed Analysis (1994), and management direction contained in the Klamath Falls Resource Area RMP, I have decided to implement watershed restoration treatments analyzed in the Upper Spencer Creek EA, as described in the proposed action, Alternative 1, and associated Project Design Features.

Specifically, this decision will result in:

- 0.5 miles of road decommissioning (“permanent closure”);
- 2.4 miles of road obliteration (“ripping” and seeding), including 0.6 miles within Riparian Reserves;
- 0.8 miles of road construction (to facilitate obliteration of roads within Riparian Reserves);
- 0.8 miles of road improvement (to facilitate obliteration of roads within Riparian Reserves and to restore hydrologic processes);
- Installation of 2 gates to implement an administrative use closure on 0.5 miles of road;
- Removal of 3 stream crossings (two culverts and one low-water crossing); and,
- Placement of large woody debris (cull logs and directionally felled trees) into about 0.25 miles of an ephemeral/intermittent stream channel to dissipate stream energy, cause localized sediment deposition, and reduce channel incision (“headcutting”).

The location of the treatments is shown on the attached map. These treatments are discussed in the EA on pages 12, 17 to 18, 22, and 26, as well as in Appendix C (pages C-11 to C-12) and Appendix D (Map D6).

Additional road treatments discussed and analyzed in the EA may be implemented at a later date, following preparation of future Decision Records.

Surveys

- All required surveys for Wildlife, Botanical, and Survey and Manage resources have been completed:
 - One *Gyromita californica* fungi site occurs in section 23. Surveys detected no other S&M fungi within the project area.
 - A bald eagle nest is located on National Forest system land in the southwest corner of Township 38S, Range 5E, section 11. This nest is located approximately one-third of a mile from the nearest project activities.
 - Surveys detected no S&M vascular plants or mollusks within the project area.
- Required Cultural surveys are completed. No cultural resources were located during the surveys.

Mitigations

- The Project Design Features / Best Management Practices described in Appendix B of the EA shall be implemented.
- A 60 foot radius no-cut/no-entry area will be delineated around the *Gyromita californica* fungi site.

DECISION RATIONALE

The decision to implement Alternative 1, as proposed, meets the purpose and needs identified in the EA and furthers the intent established in the Northwest Forest Plan Aquatic Conservation Strategy and the Klamath Falls Resource Area Resource Management Plan (RMP) to implement restoration projects within Key Watersheds.

Alternative 2, the No Action Alternative, is rejected because it does not meet the resource management objectives for the Matrix identified in the Klamath Falls RMP and the Northwest Forest Plan. It would not address or alter many of the existing conditions and trends relative to healthy vegetative conditions, resource protection, and watershed restoration that were identified both in the EA and in the Spencer Creek Watershed Analysis. With No Action, these conditions would not be improved or mitigated; certain undesirable ecological trends would continue unchanged and, in some cases, would be exacerbated with the passage of time.

Alternative 3, Fuels and Restoration Treatment Only, is rejected because it also does not meet the resource management objectives for the Matrix identified in the Klamath Falls RMP and the Northwest Forest Plan. Although Alternative 3 would reduce erosion problems and high fuel hazard conditions, certain beneficial economic opportunities would be foregone because no commercial timber harvest would be implemented.

CONSULTATION AND COORDINATION

Pursuant with the Endangered Species Act (ESA), consultation was completed with the US Fish and Wildlife Service; Biological Assessment dated June 12, 2003; Biological Opinion dated June 24, 2003. The Service has determined that the proposed action will not jeopardize the continued existence of the northern spotted owl.

The lead biologist determined that the project will have “No Effect” on the bald eagle that is nesting near the project area. Due to the distance between the nest and project activities and the time of year during which the project will be implemented, disturbances to the eagle nest will be avoided.

The State Historic Preservation Office (SHPO) was notified of this project in accordance with 36 CFR §805.5(b). They have raised no objections to the BLM's finding that it would not adversely impact sites of cultural or historic significance.

PUBLIC COMMENT

One public comment was received following the 30-day public comment period for the Upper Spencer Creek EA. The main categories of the comments include:

1. Unacceptable impacts to soil, water, fish, wildlife, old growth, critical habitat, Late Successional Reserves, Riparian Reserves, Tier 1 Watersheds, and spotted owls from harvesting, ground-based logging, and road construction.
2. Objection to commercial logging or road activity in uninventoried roadless areas.
3. Signing of a FONSI before soliciting public comments and an erroneous finding that the impacts will not be significant.
4. Survey and Manage surveys are not complete.
5. The analysis of the cumulative watershed effects (CWE) in regards to Aquatic Conservation Strategy, peak flows, short and long term impacts, is inadequate.
6. The effect of thinning on reducing large woody debris recruitment.
7. An erroneous claim that the analysis is not lynx habitat.
8. Impacts of livestock grazing on restoration activities.

I have reviewed the public comments stated above and have discussed them with interdisciplinary specialists on my staff. The comments received do not provide any substantially new information or identify substantial new data gaps. The comments do not indicate that additional analysis is needed which would alter the effects described in the EA. I am confident that the EA represents a thorough analysis of the site-specific impacts to affected habitats and species, in conjunction with the analysis done in the Klamath Falls Resource Area RMP and Northwest Forest Plan to which the EA is tiered.

CONCLUSION

Based on the information in the Upper Spencer Creek EA and in the record, I conclude that this Decision Record is consistent with the Klamath Falls Resource Area Resource Management Plan, the Record of Decision and Standard and Guidelines on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, and the Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (January 2001).

This decision is also consistent with the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations. It is also consistent with Executive Order 12898 on Environmental Justice and will not have any adverse impacts to energy development, production, supply and/or distribution per Executive Order 13212.

ADMINISTRATIVE REMEDIES

Any party adversely affected by this decision may appeal within 30 days after receipt of the decision in accordance with the provisions of 43 CFR Parts 4.4. The notice of appeal must include a statement of reasons or file a separate statement of reasons within 30 days of filing the notice of appeal. The notice of appeal must state if a stay of the decision is being requested and must be filed with the Field Manager at:

Klamath Falls Resource Area Office
Bureau of Land Management
2795 Anderson Ave., Building 25
Klamath Falls, OR 97603.

A copy of the notice of appeal, statement of reasons, and other documents should be sent to:

Regional Solicitor - Pacific Northwest Region
U.S. Department of the Interior
Lloyd 500 Building, Suite 607
500 N.E. Multnomah Street
Portland, OR 97232.

If the statement of reasons is filed separately it must be sent to:

Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203.

It is suggested that any notice of appeal be sent certified mail, return receipt requested.
Before deciding to file an appeal, I encourage you to contact me to determine if your concerns might be met in some way other than via an appeal, or to assist you in the appeal process if it is appropriate. Thank you for your continued interest in the multiple use management of your public lands. This notice constitutes the decision notification for purpose of protests under 43 CFR subpart 5003 B Administrative Remedies.

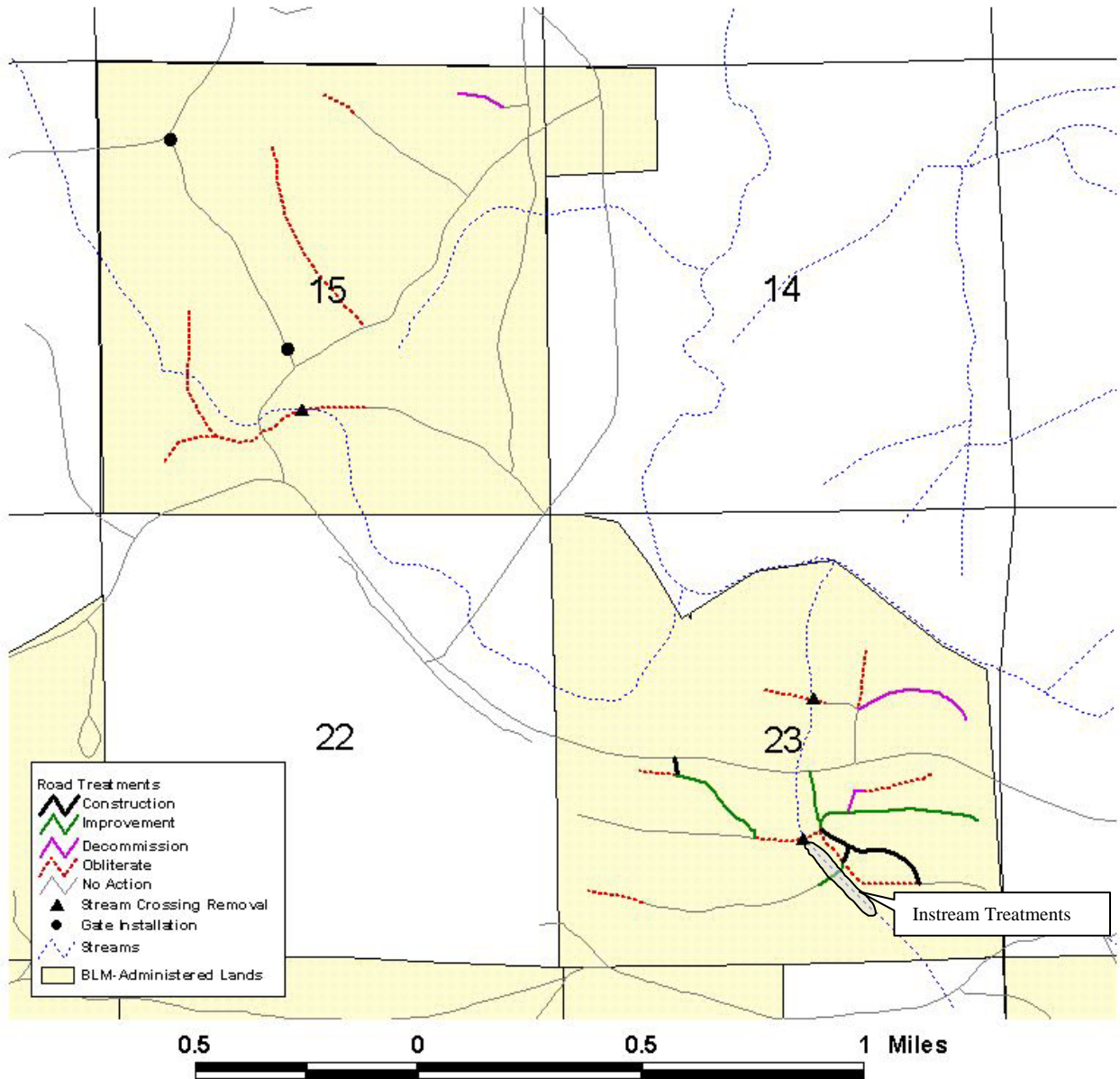
/signed/ *Jon Raby*

11/19/03

Field Manager

Date

Upper Spencer Creek Road Treatments



Map 1. Watershed restoration treatments to be implemented in Township 38S, Range 6E, Sections 15 and 23.